

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RYAN FINNESEY,

Plaintiff,

-against-

RJM ACQUISITIONS FUNDING,

Defendant.

CASE NO. 1:11-cv-06439-GBD

**VERIFIED COMPLAINT and DEMAND  
FOR JURY TRIAL**

NOW COMES Plaintiff, RYAN FINNESEY ("Plaintiff"), by and through his attorneys, Krohn & Moss, Ltd., for her Verified Complaint against Defendant, RJM ACQUISITIONS FUNDING ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

Parties

2. Plaintiff is a natural person residing in the City of New York, County of New York, New York.

3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

4. Defendant is a company with its principal place of business in New York and conducts business in the state of New York.

5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Because Defendant is principally located in the state of New York, and conducts business in New York, personal jurisdiction is established

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

Factual Allegations

10. Defendant began contacting Plaintiff to collect an alleged consumer debt.

11. Defendant failed to disclose in subsequent communications that it was a debt collector.

12. When asked, Defendant specifically denied it was a debt collector in its communications with Plaintiff.

13. For example, on or about August 8, 2010, Plaintiff contacted Defendant in an attempt to validate the alleged debt and Defendant stated that they were not a collection agency.

14. After attempting to validate the alleged debt Defendant told Plaintiff that he needed to stop wasting his time sending letters because RJM was not a debt collection agency.

15. Despite Defendant’s claim, Defendant has reported the alleged debt on Plaintiff’s credit report.

CLAIM FOR RELIEF

16. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692e of the FDCPA by using false, deceptive or misleading representation or means in connection with the collection of an alleged debt;
- b. Defendant violated §1692e(10) of the FDCPA by falsely representing to Plaintiff that Defendant was not a collection agency and rather Plaintiff's new creditors; and
- c. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector.

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k;
- (2) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (3) Awarding such other and further relief as may be just, proper and equitable.

Dated: September 23, 2011

KROHN & MOSS, LTD.

By: \_\_\_\_\_  
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**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, RYAN FINNESEY, hereby demands a jury trial in this matter.

**VERIFICATION**

STATE OF NEW YORK     )

COUNTY OF NEW YORK   )

Plaintiff, RYAN FINNESEY, being duly sworn, deposes and says:

1. I am the Plaintiff in this civil proceeding;
2. I have read the foregoing Verified Complaint prepared by my attorneys and I believe that all of the facts contained therein are true and correct, to the best of my knowledge, and formed after reasonable inquiry;
3. I believe that this civil Complaint is well ground in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law;
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it;

Pursuant to 28 U.S.C. § 1746(2), I, RYAN FINNESEY, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Ryan Finnesey